

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21 and 29-32 are pending in the present application, Claims 23 and 24 having been canceled without prejudice or disclaimer.

In the outstanding Office Action, Claims 23-24 were rejected under 35 U.S.C. §102(e) as anticipated by Kaneshige et al. (EP 0814475);¹ and Claims 21, 23, 24, and 29-32 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,263,155, hereinafter Saeki) in view of Okada et al. (U.S. Patent No. 6,148,140, hereinafter Okada).

Applicants respectfully submit that the rejection based on Kaneshige et al. is moot in light of the cancellation of Claims 23 and 24.

With respect to the rejection of Claim 29 as unpatentable over Saeki in view of Okada, Applicants respectfully traverse this ground of rejection. Claim 29 recites, *inter alia*, “an error correction code block address being defined in units of the error correction code block.”

Page 4 of the outstanding Office Action contends that Saeki discloses an error correction code block address (ECC block address) being defined in units of the error correction code block and corresponding to an integer multiple of said sectors. The outstanding Office Action cites to Fig. 5 and col. 8, lines 30-43 of Saeki.

However, col. 8, lines 40-43 of Saeki merely discloses that an entries relative address (the number of bytes) are relative to the start of the (consecutive recording area management) table. This does not disclose or suggest using ECC blocks as address information.

¹ As this reference is not a U.S. Patent or U.S. Patent Publication, Applicants assume that this rejection should be based on 35 U.S.C. §102(b).

Okada does not cure this deficiency in Saeki.

Furthermore, Claim 21 also recites “said video object information includes prescribed information indicating whether an audio gap exists in a specific video object unit, said audio gap being a portion at which audio reproduction is discontinued for video playback of that portion.”

Page 4 of the outstanding Office Action states “...Saeki fails to teach using audio gap information in the management information area.” The outstanding Office Action relies on Okada to disclose the claimed “audio gap.” The outstanding Office Action relies on Fig. 12 and col. 23, lines 34-68 of Okada to disclose audio gap information.

Figs. 12A and 12C (and Figs. 14 and 15) of Okada merely show the words audio gap. However, col. 23, lines 34-68 of Okada (or the descriptions of Figs. 12A, 12C, 14, and 15) do not disclose or suggest the claimed “audio gap.” Particularly, Okada does not disclose or suggest the claimed “said audio gap being a portion at which audio reproduction is discontinued for video playback of that portion.”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 29 patentably distinguishes over Saeki and Okada, taken alone or in proper combination.

Claims 21 and 30-32 also recite “said audio gap being a portion at which audio reproduction is discontinued for video playback of that portion.” Thus, Claims 21 and 30-32 also patentably distinguish over Saeki and Okada, taken alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph Wrkich
Registration No. 53,796